

JOAN WALSTROM
L. A. WALSTROM, JR.

IBLA 74-177
IBLA 74-178

Decided May 31, 1974

Appeals from Wyoming State Office, Bureau of Land Management, dated November 21, 1973, and December 10, 1973, rejecting coal prospecting permit applications W 42971 through W 42979 and W 42889 through W 42897, respectively.

Affirmed.

Coal Leases and Permits: Applications:

A decision rejecting a coal prospecting permit application will be affirmed where the decision was made pursuant to and in accordance with Secretarial Order 2952 of February 13, 1973.

APPEARANCES: Joan Walstrom, pro se; L. A. Walstrom, pro se.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

Both of these appeals are from decisions rejecting appellants' coal prospecting permit applications. Each decision recited that it was made pursuant to Secretarial Order 2952, 38 F.R. 4682 (1973), which directed that all coal prospecting permit applications must be rejected pending further instructions.

Both appellants contend that the Secretary's order "is not only wrong, but completely out of date. In a time when energy sources are desperately needed, exploration activities should be encouraged, not restricted." We affirm the State Office's decision.

Secretarial Order No. 2952 of February 13, 1973, precludes the issuance of any new coal prospecting permits pending preparation of a program for more orderly development of the nation's

coal resources. It directs that all applications for prospecting permits shall be rejected pending further instructions. The energy "crisis" adverted to by the appellants does not denigrate the need for a program of orderly development of the nation's coal resources. Pursuant to the Mineral Leasing Act, 30 U.S.C. § 201(b) (1970), the Secretary is authorized to issue such instructions. We will review the decision below to assure those instructions were followed. Marvin E. Weaster, 10 IBLA 277 (1973); Richard K. Todd, 68 I.D. 291 (1961), aff'd sub nom. Duesing v. Udall, 350 F.2d 748 (D.C. Cir. 1965), cert. denied, 383 U.S. 912 (1966).

In the instant case BLM correctly applied the instructions of Order 2952 and properly rejected appellants' prospecting permit applications.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision below is affirmed.

Joan B. Thompson
Administrative Judge

We concur:

Martin Ritvo
Administrative Judge

Anne P. Lewis
Administrative Judge

